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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,566	09/08/2000	Masaaki Ogura	196873US2	2825

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EXAMINER

PHAM, THIERRY L

ART UNIT PAPER NUMBER

2624

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/658,566	<b>Applicant(s)</b> OGURA ET AL.	
	<b>Examiner</b> Thierry L Pham	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-8,10,12-16,18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,10,12-16,18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to the following communication: an Amendment filed on 6/28//04.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 6-8, 10, 13-16, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (U.S. 5270775).

Regarding claim 1, Suzuki discloses an image forming device management system (management network system, fig. 1, col. 3, lines 54-67) in which a customer system and a center system are connected by a network, the customer system including a data communication device connecting a plurality of image forming devices to the network, the center system including a center management device connected to the network, the data communication device comprising:

- (1) first message means for transmitting (network, fig. 1, col. 3, lines 54-67), on a normal message date (normal collecting date, abstract, fig. 7, col. 7, lines 25-67 and col. 9, lines 15-54) for each of the respective image forming devices, a usage data (usage data such as number of copies, col. 3, lines 64-67 to col. 4, lines 1-45) of a corresponding one of the image forming devices to the center management device via the network by using a call sent by the data communication device; and
- (2) second message means for transmitting (network, fig. 1, col. 3, lines 54-67), on an early message date that is earlier than the normal message date (if a collection date falls on holiday, then transmitting a collecting message on a day before a normal date, fig. 7, abstract, col. 7, lines 25-67 and col. 9, lines 15-54) for a corresponding one of the image forming devices, a usage data

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(usage data such as number of copies, col. 3, lines 64-67 to col. 4, lines 1-45) of the corresponding one of the image forming devices to the center management device via the network by using a call sent by the data communication device, and

(3) the center management device comprising (managing apparatus, figs. 1-4, cols. 3-4):

(a) first message reception means (network, fig. 1, cols. 3-4) for receiving, on the normal message date (normal collecting date, fig. 7, fig. 7, abstract, col. 7, lines 25-67 and col. 9, lines 15-54) for each of the respective image forming devices, the usage data (usage data such as number of copies, col. 3, lines 64-67 to col. 4, lines 1-45) of the corresponding one of the image forming devices that is transmitted by the first message means using the call sent by the data communication device;

(b) second message reception means (network, fig. 1, cols. 3-4) for receiving, on the early message date (if a collection date falls on holiday, then transmitting a collecting message on a day before a normal date, fig. 7, abstract, col. 7, lines 25-67 and col. 9, lines 15-54) for each of the respective image forming devices, the usage data usage data such as number of copies, col. 3, lines 64-67 to col. 4, lines 1-45) of the corresponding one of the image forming devices that is transmitted by the second message means using the call sent by the data communication device; and

(c) remote management means for issuing a billing of a usage charge (calculating total usage data and issuing bill, fig. 6, col. 5, lines 1-27 and cols. 7-8) of the corresponding one of the image forming devices based on the usage data received by either the first message reception means or the second message reception means;

(d) input means (entry key on keyboard, fig. 3) for inputting a holiday data (holiday data, col. 9, lines 15-67) of the center system and/or the customer system;

(e) calculation means (charge calculating table, fig. 6, col. 7, lines 57-67 to col. 8, lines 1-50) for calculating an early message date for a corresponding one of the image forming devices based on the holiday data, input by the input means, and based on the normal message date for the corresponding one of the image forming devices; and

(f) early message date setting means (collection-date setting means, col. 7, lines 25-55) for transmitting the early message date, calculated by the calculation means, to the data

communication device via the network, so that the calculated early message date is set in the data communication device.

Regarding claim 4, Suzuki further discloses the image forming device management system according to claim 1, wherein the early message date setting means transmits (collection-date setting means, col. 7, lines 25-55), on the normal message date for the corresponding one of the image forming devices, the early message date collection-date setting means, col. 7, lines 25-55), calculated by the calculation means (charge calculating table, fig. 6, col. 7, lines 57-67 to col. 8, lines 1-50), to the data communication device via the telephone network (network, figs. 1-5), so that the calculated early message date is set in the data communication device.

Regarding claims 6-7, Suzuki further discloses the image forming device management system according to claim 1, wherein the normal message date is indicated by a 2-digit day number (day of the week, fig. 7, cols. 7-8), and the early message date is indicated by a 4-digit month-and-day number (also collecting data monthly, fig. 6, cols. 7-8).

Regarding claim 8, Suzuki further discloses the image forming device management system according to claim 6, wherein the second message means transmits, by using the call sent by the data communication device, the usage data of the corresponding one of the image forming devices to the center management device when a current month-and-day number matches (col. 7, lines 25-55) with a month-and-day number of the early message date for the corresponding one of the image forming devices.

Regarding claims 10, 15-16, 20, which recite limitation that are similar to claim 1 above, please see rejection rationale/basis as described in claim 1 above for more details.

Regarding claims 13-14, which recite limitations that are similar to claims 6-7 (respectively) above, please see rejection rationale/basis as described in claims 6-7 above for more details.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki as described in claims 1, 10, and/or 15 above, and in view of Hirata et al (U.S. 5543892).

Regarding claims 5, 12, and 18, Suzuki does not explicitly disclose wherein the data communication device comprising a message inhibition means for inhibiting the transmission of the usage data to the center management device.

Hirata, in the same field of endeavor for communication network, discloses a data communication device comprising a message inhibition means for inhibiting the transmission of the usage data to the center management device (abstract, col. 6, lines 17-54 and col.15, lines 39-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Suzuki as per teachings of Hirata because of a following reason: (1) to avoid delaying of collecting of usage data when the collection date is a holiday date (col. 1, lines 35-48).

Therefore, it would have been obvious to combine Suzuki with Hirata to obtain the invention as specified in claims 5, 12, and 18.

***Response to Arguments***

Applicant's arguments filed 6/28/04 have been fully considered but they are not persuasive.

Regarding claim 1, the applicants argued the prior art does not teach an input means of the center system and/or the customer system for inputting holiday data and such entry is entered by the operators.

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In response: Suzuki teaches input means (entry key on keyboard, fig. 3) for inputting a holiday data (holiday data, col. 9, lines 15-67) of the center system and/or the customer system. As shown in fig. 3, host computer 41 comprising a calendar 47 with advanced/predetermined holiday data/date which entered/set by an operator/user via a keyboard 43 and/or entry key 35 of fig. 5. The holiday calendar date settings can be edited using keyboard 43 as shown in fig. 3, and these holiday calendar data settings are varied for each companies/corporations. See col. 6, lines 15-22, col. 7, lines 25-55, col. 9, lines 15-67 to col. 10, lines 1-6 for more details.

In addition, the applicants also argued the prior art do not teach a communication network using "the telephone network".

In response: Nowhere in claim 1 recites the limitations "telephone network". However, Suzuki explicitly teaches "public network" as shown in fig. 1 using modem devices as shown in fig. 2. Inherently, modem devices are communicated via a "telephone" line.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

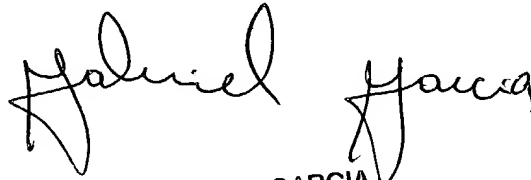
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham

TP

A handwritten signature in cursive script, appearing to read 'Gabriel Garcia'.

GABRIEL GARCIA  
PRIMARY EXAMINER